



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N758  
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor  
Michael Smith, Commissioner

August 17, 2023

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INDIANA STATE  
ETHICS COMMISSION

Katherine Noel, Chair  
Indiana State Ethics Commission  
315 West Ohio Street, Room 104  
Indianapolis, Indiana 46202

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value Received by INDOT Employees in Relation to the Asphalt Paving Association of Indiana (APAI) Regional Summer Educational & Networking Events on August 15, 16, & 18, 2023.

Chairperson Noel:

Commissioner Michael Smith, the appointing authority of the Indiana State Department of Transportation ("INDOT"), has designated authority to me as the agency's ethics officer to waive application of the Gift Rule in individual cases when consistent with the public interest. I am hereby waiving application of 42 IAC 1-5-1 (a) for the INDOT employees identified on the attached Exhibit A in relation to their attendance at the Asphalt Paving Association of Indiana (APAI) Regional Summer Educational & Networking Events on August 15, 16, & 18, 2023 ("APAI Summer Events"). As outlined below, each attendee benefited professionally from attendance, which in turn generated value to the public through correlative enhancement of Departmental efficacy.

The APAI Summer Events were held at three (3) locations across Indiana: (1) August 15, 2023, Swan Lake Resort, 5203 Plymouth Trail, Plymouth, Indiana 46563; (2) August 16, 2023, Liter House Banquet Hall, 5301 Winthrop Ave, Indianapolis, IN 46220; (3) August 18, 2023, Mid-American Science Park, 821 S Lk Rd, Scottsburg, IN 47170. Items of value received by INDOT employees in relation to the APAI Summer Events include registration fees and appetizers. The registration fees, which account for the costs of food and beverages, are Twenty-Five Dollars (\$25.00) per attendee. Registration fees were waived for INDOT employees by APAI, conferring a total gift to each employee of Twenty-Five Dollars (\$25.00) for an aggregate value of One Thousand Two Hundred Dollars (\$1,200.00) (48 attendees multiplied by \$25/each).

Several of the member-companies that sponsor the APAI Summer Events, and pay dues from which INDOT's expenses were covered, have a business relationship with INDOT, or may otherwise have a business interest in seeking to influence an action by one or more INDOT attendees in his or her official capacity. Furthermore, APAI is an asphalt pavement industry association with a business interest in INDOT operations and decision-making regarding the agency's capital program and asset planning.

INDOT personnel covered by this waiver were instructed not to accept any other item of value from APAI or any person in attendance at the event. INDOT personnel are regularly trained that the safest course of action at any industry event is to assume that anyone in attendance from the private sector might have a business relationship with INDOT or in interest in influencing Department operations.

APAI Summer Events are bifurcated proceedings with an educational component followed by a networking program. All INDOT attendees will participate in the educational sessions. All or most INDOT employees will also stay for the networking.

The forty-eight (48) individuals attending the event, as identified in Exhibit A, are in the materials and testing, construction, or related department within central office and the INDOT districts that have contact with asphalt paving contractors, suppliers, or other aspects of project delivery. The professional services provided by these individuals for INDOT will be enhanced by learning about evolving means and methods in the asphalt paving industry, and from exchanging ideas with industry stakeholders in attendance. Even those individuals not specializing in asphalt related work within the Department benefit from such opportunities, as project delivery requires a holistic understanding of construction requirements. Accordingly, every attendee listed in Exhibit A is in a position with the Department to benefit from attendance, both through the educational and networking components of the APAI Summer Events. Greater competency among INDOT project and policy level personnel will directly benefit the public through improving the quality and efficiency of INDOT construction projects, while decreasing costs associated with errors and omissions caused by gaps in technical knowledge or inadequate policy.

Indiana Code 88-23-2-4.1(4)(A) provides that INDOT is responsible for the "construction, reconstruction, improvement, maintenance, and repair of (state) highways" and Indiana Code 8-23-2- 5(a)(4) imposes upon INDOT the statutory duty in to "evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques." By attending the APAI Summer Events, INDOT employees will be educated concerning developments in the asphalt and pavement industry, including construction means and methods, new materials, progressive testing processes, and potential new vendors. INDOT employees further had the opportunity to build better partnerships with attendee firms that do business with the Department and educate industry members regarding INDOT operations. Exchange with INDOT vendors at forums like APAI Summer Events is critical for fostering productive partnerships with companies contracted to build Indiana's transportation infrastructure and contiguous pedestrian facilities. Public interest is best served when INDOT employees build strong connections with the agency's private vendors at events outside of the day-to-day work setting.

Therefore, it is my opinion that it is a benefit to and consistent with the public interest for INDOT personnel listed in Exhibit A to attend the Asphalt Paving Association of Indiana (APAI) Regional Summer Educational & Networking Events on August 15, 16, & 18, 2023, and to receive the items of value specified above, even though payment for these items was made from dues paid by APAI member companies that may have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow the forty-eight (48) INDOT employees identified in Exhibit A to accept registration fees, and the nominal food and beverage covered by these fees, offered in conjunction with attendance at the APAI Summer Events, which fees have a total value of Twenty-Five Dollars (\$25.00) per person. The total value of fees gifted to INDOT employees (48 attendees multiplied by \$25/each) is One Thousand Two Hundred Dollars (\$1,200.00).

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 234-2115 or [chserak@indot.in.gov](mailto:chserak@indot.in.gov).

Very Respectfully Submitted,

*/s/ Christopher Bradley Serak*

Christopher B. Serak,  
Director of Prequalification & Compliance  
Ethics Officer  
Indiana Department of Transportation

**Exhibit A- INDOT Attendee List**

<b>Last Name</b>	<b>First Name</b>	<b>Organization</b>
Beeson	Matt	INDOT
AWWAD	NATHAN	INDOT
Galetka	Jason	INDOT
Jones	Daniel	INDOT
Weaver	Trevor	INDOT
Nierman	Chad	Indot
Allen	David	INDOT
Newton	Rick	INDOT
Slone	Sabrina	Indot
Mota	Josh	INDoT
Bales	Don	INDOT-Fort Wayne District
Colonis	James	INDOT
Kippenbrock	Brent	INDOT
Anuka	Rowland	INDOT
Koch	Michael	INDOT
Mercker	Tim	INDOT Vincennes District
Prather	Michael	Indiana DOT
AWWAD	Nathan	INDOT
AWWAD	NATHAN	INDOT
Taylor	Edna	INDOT
Tompkins	Bill	Indiana Department of Transportation
Spreen	Jason	INDOT
Courtney	Kurt	Indiana Department of Transportation
Wathen	Brian	INDOT
McManaway	David	INDOT
Birge	Zach	INDOT
Minton	Kyle	INDOT
Middeler	Joseph	INDOT
Croquart	Daniel	INDOT
Bottorff	Eric	INDOT
Newman	Stephanie	INDOT
Cox	Ryan	INDOT
Birge	Ralph	INDOT
Fowler	Rusty	INDOT - Vincennes
Aldred	Aaron	INDOT
Corey	Doug	INDOT
Herald	Steve	INDOT
Moran	Robert	INDOT
Butts	Nathan	INDOT
Lee	Maria	INDOT
Perrone	Adam	INDOT

Exhibit A- INDOT Attendee List

Kruger	Jon	Indot
Turpin	Amanda	INDOT
Harris	Jay	INDOT
Fligor	Mark	INDOT
Brockway	Sue	INDOT
Tabassum	Farhana	Indot
Cool	Melissa	INDOT